

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:16 CV 157**

HOWARD MILTON MOORE, JR., and	)	
LENA MOORE,	)	
	)	
Plaintiffs	)	
	)	<b><u>ORDER</u></b>
v	)	
	)	
3M COMPANY, et al.,	)	
	)	
Defendants.	)	

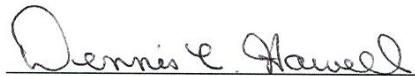
**THIS MATTER** is before the undersigned pursuant to Defendants' Motion for Protective Order From the Second Videotaped Deposition of Howard Milton Moore, Jr. (#142). In the motion, Defendants contends that the Plaintiffs are attempting to take a second deposition of the Plaintiff without leave of Court as is set forth in Rule 30(a)(2)(A)(ii). The Notice of Deposition (#143-1) shows that counsel for the Plaintiffs proposes to take Plaintiff's deposition on May 5, 2017 which would be on a date prior to the filing of a response to Defendants' Motion. For that reason, the undersigned has determined to enter an Order staying the taking of the deposition of Plaintiff, Howard Milton Moore, Jr., and requiring the Plaintiffs to respond to Defendants' Motion for Protective Order (#142) on or before May 4, 2017. The Defendants will then be allowed up to May 8, 2017 to reply to Plaintiffs'

response. After receiving Plaintiffs' responsive brief and the Defendants' reply brief, the undersigned will then determine whether or not to rule upon the motion or to set a hearing in this matter.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that Defendants' Motion for Protective Order From the Second Videotaped Deposition of Howard Milton Moore, Jr. (#142) that is to begin on May 5, 2017 is hereby **STAYED**. Plaintiffs are hereby directed to respond to Defendants' Motion for Protective Order (#142) on or before **May 4, 2017**. Defendants will be allowed to reply to Plaintiffs' response on or before **May 8, 2017**.

Signed: May 1, 2017

  
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Dennis L. Howell  
United States Magistrate Judge

